

## Environmental News Clips – Week ending September 16, 2016

[ HYPERLINK "<http://abc10up.com/deq-asking-public-input-for-non-compliance-issues-at-u-p-power-plant-9-7-16/>" ]

### DEQ asking public input on non-compliance issues at U.P. power plant

[ HYPERLINK "<http://abc10up.com/deq-asking-public-input-for-non-compliance-issues-at-u-p-power-plant-9-7-16/>" ]

L'ANSE — A public hearing was held this evening addressing the Warden Power Plant in L'Anse requesting to change the mix of biofuel it currently uses to produce electrical power.

Two non-compliance issues have recently arose at the plant. After an inspection, the plant was found to be in violation of the hydrogen-chloride limit and after more than 60 complaints from L'Anse residents, a nuisance dust violation was also found.

"The citizens called and complained to us and we went out and investigated and we found wood dust on their property, on their vehicles so it was basically creating a nuisance for the neighbors and they were concerned about their health also," said DEQ Air Quality Division, Chris Hare.

The meeting was held tonight to discuss the DEQ's compliance plans for these issues and hear the publics input. The compliance plan for the Hydrogen chloride limit exceedance is for the company to submit a permit application to remove PCP railroad ties from the fuel portfolio.

In regards to the nuisance violation, the plans are to create a full enclosure of the fuel hopping and wood chip conveyers.

Although these are the requested compliance plans, the main question from the public was 'why not just use natural gas?'

"Our goal is to get this plant converted back to natural gas because natural gas doesn't have the pollutants that are associated with the fuel that is being used right now, so natural gas is our goal," said L'Anse Citizen, Catherine Andrews.

An official public hearing will be held on September 28th at L'Anse High School.

[ HYPERLINK "<http://www.vindy.com/news/2016/sep/13/m-plus-cleanup-set-at-former-chemical-pl/>" ]

**Vindy.com: Firm agrees to finish cleanup at former Nease Chemical plant site near Salem**

Published: Tue, September 13, 2016 @ 12:09 a.m.

Pa. company agrees to finish restoring nease area

Staff report

**YOUNGSTOWN**

Rutgers Organics Corp. has agreed to complete the cleanup of the Nease Chemical Superfund site near Salem, estimated to cost \$18.75 million, federal officials announced.

The agreement is in a consent decree filed Friday in federal court in Youngstown.

Under the consent decree, Rutgers, based in State College, Pa., also agrees to restore injured natural resources at the site and nearby areas at a cost of about \$500,000.

Further, Rutgers will reimburse federal and state agencies for their past response and assessment costs of about \$1 million.

"This agreement will undo the damage done in the past while preserving creeks and the [Little Beaver Creek] watershed for future generations," said Carole S. Rendon, U.S. attorney for the Northern District of Ohio.

In a complaint filed with the consent decree, federal and state agencies allege that between 1961 and 1973, portions of the site were owned and operated by a chemical manufacturing plant known as the Nease Chemical Co.

Nease Chemical produced specialty products, including pesticides such as Mirex, a probable human carcinogen no longer produced in the United States.

Hazardous substances derived from these products were detected in the soil, groundwater, sediments, floodplains and wetlands in the area, as well as in the fish in the nearby Middle Fork of Little Beaver Creek.

Rutgers acquired the assets of Nease Chemical, which ceased operations in 1973. Since 1988, Rutgers has cooperated with EPA to investigate and clean up the site.

Under the consent decree, Rutgers will cap soil, treat ponds and groundwater and remove contaminated sediment and floodplain soil.

As part of the settlement, Rutgers will remove a low-head dam, known as the Lisbon Dam on the Middle Fork of Little Beaver Creek, and restore adjacent stream-side habitat to help establish a free-flowing stream with a healthy and diverse fish population.

Rutgers also will fund a \$366,000 trust to conserve a variety of lands in the Little Beaver Creek watershed.

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“About 280 acres of habitat were contaminated by hazardous substances injuring surface and groundwaters,” said Ohio EPA Director Craig W. Butler. “Healthy streams and waterways are critical to Ohio’s citizens and our economy. This consent decree is a welcome step forward after many years of work to bring the area stream habitats back to healthy, functioning waterways and protecting drinking water resources into the future.”

[ HYPERLINK "<http://www.wfmj.com/story/33079202/company-agrees-to-finish-18-million-cleanup-along-little-beaver-creek>" ]

Company agrees to finish \$18 million cleanup along Little Beaver Creek  
*Posted: Sep 13, 2016 4:03 AM CST Updated: Sep 13, 2016 5:06 AM CST*

[ HYPERLINK "[http://wfmj.images.worldnow.com/images/11801447\\_G.jpg](http://wfmj.images.worldnow.com/images/11801447_G.jpg)" ]

SALEM, Ohio –

Rutgers Organics Corporation has agreed to complete the cleanup of the Nease Chemical Superfund Site site near Salem, estimated to cost \$18.75 million. The agreement, filed last week in federal court in Youngstown, was announced by the Department of Justice, the U.S. EPA, and the Department of Interior.

Under the consent decree, Rutgers Organics Corporation also agrees to restore injured natural resources at the site and nearby areas, at a cost of approximately \$500,000. Further, Rutgers will reimburse federal and state agencies their past response and assessment costs of about \$1 million.

Federal and state agencies filed a complaint last week alleging that, between 1961 and 1973, portions of the site were owned and operated by a chemical manufacturing plant known as the Nease Chemical Company.

Nease Chemical produced specialty products including pesticides such as Mirex, a probable human carcinogen no longer produced in the United States. Hazardous substances derived from these specialty products were detected in the soil, ground water, sediments and flood plains/wetlands in the area, as well as in the fish in the nearby main surface water body, the Middle Fork Little Beaver Creek.

Rutgers acquired the assets of Nease Chemical, which ceased operations in 1973. Since 1988, Rutgers has worked with EPA to investigate and clean up the site. Under the consent decree, Rutgers will among other things, capping soil and treating the ponds and ground water. Rutgers will also remove contaminated sediment and floodplain soil and replacing with clean material. The total cleanup, including long term operations and maintenance, is estimated to cost \$18.75 million.

The contamination released from the chemical plant over time has injured natural resources in and around the site, including the underlying groundwater aquifers which have become unusable as a source of potable water.

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As part of the settlement, Rutgers will remove a low-head dam, known as the Lisbon Dam on the Middle Fork Little Beaver Creek, and restore adjacent streamside habitat. Those projects, estimated to cost up to \$150,000, are expected to help establish a free-flowing stream with a healthy and diverse fish population.

Rutgers will also fund a \$366,000 trust to conserve a variety of lands in the Little Beaver Creek watershed, especially lands that are subject to pressures from new development in the area, to help provide valuable habitat. The trust will also seek to conserve property to protect local drinking water source areas from further contamination. Further, Rutgers will reimburse the federal and state agencies for their past response and assessment costs, totaling approximately \$1 million, and agrees to fund all future oversight and assessment costs.

"About 280-acres of habitat were contaminated by hazardous substances injuring surface and ground waters at the former Nease Chemical site," according to Ohio EPA Director Craig W. Butler.

The settlement, lodged with the U.S. District Court for the Northern District of Ohio, is subject to a 30-day public comment period following notification in the Federal Register and final approval by the court.

To view the consent decree or to submit a comment, visit the department's website: [ HYPERLINK "[http://www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html)" ].

[ HYPERLINK "<http://www.eenews.net/stories/1060042651>" ]

EPA:

**Meet the IG's man on the hotline**

[ HYPERLINK "[http://www.eenews.net/staff/Kevin\\_Bogardus](http://www.eenews.net/staff/Kevin_Bogardus)" ], E&E reporter

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Greenwire: Monday, September 12, 2016



EPA IG Special Agent Clay Brown. Photo by Kevin Bogardus.  
Special Agent Clay Brown has two phones on his desk.

The U.S. EPA inspector general agent keeps one on the left for everyday office work. The other on the right, with black tape spelling out "HOTLINE," he picks up to hear from those wishing to report nefarious behavior at EPA.

"One thing is really fascinating — they call me just to see if really someone is going to answer the phone," Brown said in an interview. "Someone in the science office the other day called the hotline and said, 'We wanted to make sure this number really works,' and I said, 'Yeah, it works.'"

Brown, 54, essentially serves as the IG's first responder, the lone employee answering the watchdog's hotline.

Brown has held the job of hotline manager for about six years now. He has received thousands of phone calls, emails, voicemails and letters that have helped the IG office uncover fraud and waste at EPA.

"I consider it like triage," Brown said. "The complaint comes across my desk, I take a look at it, and then I got to figure out where it goes. I don't do any investigations, any audits or evaluations. I simply farm it out."

Those complaints do spur IG action. From April 2015 to the end of March this year, the inspector general took on 374 hotline tips for possible investigation or audit by its investigators, according to the watchdog's semiannual reports.

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And they can result in big scores for the IG. Hotline tips initiated several investigations of the U.S. Chemical Safety Board, which ultimately led the board's chairman, Rafael Moure-Eraso, to resign in March last year.

Other complaints can help catch shenanigans by those on EPA's lower rungs of power.

An agency employee was fired in September 2015 for falsifying time and attendance records, thanks to one tip. Another warning called out an IG agent who had forgotten his or her gun in an EPA headquarters bathroom stall — detailed in a report obtained by *Greenwire* under the Freedom of Information Act ([ [HYPERLINK "http://www.eenews.net/stories/1060032755"](http://www.eenews.net/stories/1060032755) ], Feb. 22).

The hotline requires constant attention. Brown said he already had four calls during the day of his interview with *Greenwire*.

He begins each day by checking the hotline's voicemail as well as its email account for tips that have come in during off-hours. He also scours the mail, since complaints have arrived through anonymous correspondence.

Brown suggests sending him an unsigned letter if someone wants to blow the whistle but remain unknown. Mail with no admitted author, however, can make it more difficult for investigators to substantiate complaints since they can't pose follow-up questions to the tipster.

"That way, we get around the confidentiality or anonymous argument because specifically with complainants, if they truly want to be [what] I call unknown," Brown said, "you have to accept it on whatever the merits it comes in."

Once Brown receives a tip, he logs it, adding it to a database that he and other agents can review later. He also saves any material he receives, such as a letter, stashing it in a folder.

"I keep the stuff in file folders because sometimes it might have evidentiary value," said Brown, noting an envelope could have DNA.



The U.S. EPA Inspector General's hotline, which tipsters call to clue in investigators about wrongdoing at the agency. Photo by Kevin Bogardus.

Brown then reviews each tip and decides whether it falls in the EPA inspector general's jurisdiction. Though a complaint might be environmental in nature, that doesn't necessarily mean it concerns EPA. Brown often has to call other federal and state regulators, sometimes even local police chiefs, to find the right home for a complaint.

He receives a wide spectrum of grievances on the hotline — from asbestos to lead and mold — that can spike after a major scandal involving EPA becomes national news, such as the Gold King mine disaster or the Volkswagen emission-cheating scheme.

"We're killing all the bees, and that's EPA's fault," he said.

Some people contact him constantly; Brown has nicknamed them his "frequent fliers."

One person has sent reams of information to the hotline's mailing address concerning doctors' offices, including prescription scripts and magazine subscriptions. In one letter, he told Brown he lived in a dumpster, his correspondence proving that point.

Brown said he would get "packs of" mail from this person, "and it smelled really bad, too."

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As a special agent, Brown will sometimes meet his sources in person. He recently had lunch with one confidential informant.

"They figure out who I am, and then they want to meet outside the building because they don't want anybody to see that they're talking to the IG's office," Brown said. "There's people that just want to drop the dime and they don't want anybody know that they're doing it."

Record as an investigator

Brown has a long history as a government auditor and investigator.

He was born in Memphis, Tenn., but moved several times as a child, spending time in Atlanta, Chicago and Orlando, Fla. In 1984, Brown graduated from the University of Central Florida with a degree in accounting.

Soon after, he was hired as a foreign field auditor for the Florida Department of Revenue. With the Sunshine State having no income tax, Brown and other auditors would check the books of major corporations based outside of Florida to make sure the state's sales and use taxes were being paid.

By 1987, Brown joined the federal government as an auditor in the Pentagon's inspector general office.

Brown found himself reviewing the numbers for some of the nation's biggest secrets as an auditor of "special access" or "black" programs.

"No one knows about them except when the funding goes through; it's blacked out," Brown said. "You're read onto the program and, like, one of the people is the secretary of Defense and the president. It was a very unique job."

Though exciting at first, the Defense Department's secrecy soon wore Brown down. "I really got kind of tired of doing it because, No. 1, you can never tell anybody about what you're working on," he said. So he applied for a job with the EPA inspector general and was hired in 1992.

Brown initially started as an auditor with the EPA IG. By 1996, he switched to being an agent, serving in EPA's Chicago office. He keeps that status today, complete with a service weapon and bulletproof vest.

Brown became skilled at sniffing out electronic crimes and helped investigate some of the agency's infamous porn cases, including the one involving Thomas Manning, the former EPA IT specialist who was sentenced to 30 months in prison for holding child pornography ([ [HYPERLINK "http://www.eenews.net/greenwire/stories/1060016908"](http://www.eenews.net/greenwire/stories/1060016908) ], April 16, 2015).

Brown said the Manning case was "one of the worst ones I ever seen in my whole life."



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Brown moved to Washington, D.C., in 2010 to take over the IG's computer forensics division. The hotline position, however, opened up, and Brown snapped up that job instead.

### The Magic Kingdom

Before his more serious career, Brown's college days in Orlando afforded him a unique opportunity: to don the suit of a Disney character.

The special agent once played the part of Pluto as well as Goofy. Later, he was a tour guide at Epcot.

Despite children pulling on his tail when he was in costume, Brown said he learned much from "a fun job" at the theme park.

"Life lessons? Patience," said Brown, who had to smile at all times while on the job.

"If someone asked you where the bathroom is, and you might have been asked 500 times, but that's a first time they asked you where the bathroom is. Their first impressions are lasting," he said.

In addition, as a tour guide, Brown said he learned to shed his natural shyness.

"Before I started at Disney, I was very introverted, and by you sitting up and having to talk to people and do that, it brings you out of your own shell, and it made me a good public speaker," Brown said.

Those skills have come in handy as the EPA IG's man on the hotline. At times, Brown is confronted with callers who are at their wits' end. The special agent then needs to figure out what he can do, if anything, to help.

"That's probably, I would say, the most difficult part about the job is informing people of what we do and what we don't do," Brown said.

When Brown answers, people are shocked that someone has picked up the phone.

"Their government answered, their government's talking to them. And I'm the voice," Brown said.

Twitter: [ [HYPERLINK "https://twitter.com/KevinBogardus"](https://twitter.com/KevinBogardus) ] Email: [ [HYPERLINK "mailto:kbogardus@eenews.net"](mailto:kbogardus@eenews.net) ]

[ [HYPERLINK "http://www.jsonline.com/story/money/business/2016/09/12/farm-groups-fighting-epa-atrazine/90284056/"](http://www.jsonline.com/story/money/business/2016/09/12/farm-groups-fighting-epa-atrazine/90284056/) ]

**Farm groups fighting EPA on atrazine**

[ [HYPERLINK "http://www.jsonline.com/staff/10051270/rick-barrett/"](http://www.jsonline.com/staff/10051270/rick-barrett/) ], Milwaukee Journal Sentinel 8:11 p.m. CDT September 12, 2016

The reduced allowable levels would “effectively ban the use of atrazine in nearly 100 herbicide mixes,” the Wisconsin Corn Growers Association said Monday.



Farmers are worried that the Environmental Protection Agency will place further restrictions on the use of atrazine, a herbicide sprayed on corn and other crops. Corn growers say that, for 50 years, it's been one of their most effective weed killers. In this photo, from the 2015 fall harvest, farmers pile up corn outside a full grain elevator in Virginia, Ill. (Photo: Associated Press)

3 CONNECT[ [HYPERLINK](#)

"<https://twitter.com/intent/tweet?url=http%3A//on.jsonl.in/2cjLZZ4&text=Farm%20groups%20fighting%20EPA%20on%20atrazine&via=journalsentinel>" \t "\_blank" ][ [HYPERLINK](#)

"<http://www.linkedin.com/shareArticle?url=http%3A//on.jsonl.in/2cjLZZ4&mini=true>" \t "\_blank"

]COMMENTEMAILMORE

Some of Wisconsin's largest farm groups are worried that federal regulators will increase restrictions on atrazine, a weed killer sprayed on corn fields and other crops.

This summer, the U.S. Environmental Protection Agency issued a draft ecological risk assessment of atrazine and recommended reducing the allowable levels.

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Farm groups, including the Wisconsin Corn Growers Association, the Cooperative Network, Wisconsin Pork Association, Midwest Food Processors, the Dairy Business Association, Wisconsin Farm Bureau Federation and the Wisconsin Soybean Association, have asked farmers to contact the EPA and urge the agency to reconsider its position.

The reduced allowable levels would “effectively ban the use of atrazine in nearly 100 herbicide mixes,” the Wisconsin Corn Growers Association said Monday.

“For more than 50 years, atrazine has been a safe and effective crop protection tool to control the spread of resistant weeds and improve crop yields. ... EPA’s action would drive up the cost of production to Wisconsin corn growers and would reduce our yields,” said Casey Kelleher, president of the Wisconsin Corn Growers Association.

The public has until Oct. 4 to comment on the [ [HYPERLINK "https://www.epa.gov/ingredients-used-pesticide-products/atrazine-background-and-updates"](https://www.epa.gov/ingredients-used-pesticide-products/atrazine-background-and-updates) ]

The farm groups say the plan represents a “terrible precedent” and could harm the environment.

“Atrazine plays an important role in conservation tillage, a farming practice that reduces soil erosion and runoff. An atrazine ban would require more soil tillage to control profit-robbing weeds and will be a net-negative for the environment,” said Tom Liebe, president and CEO of Cooperative Network.

Yet some research has shown that atrazine may be dangerous at lower concentrations than previously thought and that it may be linked to birth defects and cancer.

Hundreds of private wells in Wisconsin have some level of the herbicide in them.

“At low levels in drinking water, atrazine does not cause immediate sickness or health problems. However, if people drink water for many years that contains three parts per billion or more of atrazine or its metabolites, they may develop cardiovascular, reproductive or other health problems,” the state Department of Agriculture, Trade and Consumer Protection says on its website.

Environmental groups have urged the EPA to ban atrazine. Some cities have spent millions of dollars to filter out or dilute atrazine levels from drinking water.

A study published in the Proceedings of the National Academy of Sciences found that frogs exposed to atrazine developed shrunken testes and that one in 10 male frogs exposed to atrazine became female.

There are significant environmental effects from the herbicide, including toxicity to amphibians, fish, birds and other animals, said Tyson Cook, director of science and research for the environmental group Clean Wisconsin.

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The use of atrazine has been prohibited in many places in Wisconsin where tests have shown the level in drinking water is higher than the allowed limit.

Farm groups want to have some of those bans reconsidered, so that farmers could use the herbicide under tightly controlled conditions.

"Monitoring wells for water quality is still one of the goals we would want," said Tom Thieding, spokesman for the Wisconsin Corn Growers Association.

Yet atrazine doesn't break down easily in water or soil, and environmentalists worry that its harmful effects could last for many years.

Any reversal in the prohibited areas would be particularly troubling, said Tressie Kamp, attorney for Midwest Environmental Advocates, based in Madison.

"It rises almost to the level of being unacceptable to be talking about rolling those protections back," Kamp said.

Should the EPA increase restrictions on the use of atrazine, farmers say the loss in crop yields and income would come at a bad time as crop prices are at some of the lowest levels in years.

Environmentalists say the federal government should provide farmers with incentives to use fewer chemicals on their crops.

[ [HYPERLINK "http://midwestenergynews.com/2016/09/13/illinois-coal-plant-epitomizes-states-dysfunctional-air-permit-system-advocates-say/"](http://midwestenergynews.com/2016/09/13/illinois-coal-plant-epitomizes-states-dysfunctional-air-permit-system-advocates-say/) ]

### **Illinois coal plant epitomizes state's dysfunctional air permit system, advocates say**

**Written By** [ [HYPERLINK "http://midwestenergynews.com/author/klydersen/"](http://midwestenergynews.com/author/klydersen/) \o "More from Kari Lydersen" ]

For seven years, one of the four boilers at the [ [HYPERLINK "http://www.cwlp.com/electric/generation/powerplants.html"](http://www.cwlp.com/electric/generation/powerplants.html) ] run by the public utility in Springfield, Illinois has been operating without a permit under the Clean Air Act.

The boiler has not been covered by a permit because the permit currently governing emissions from the entire power station is from 2005, years before the fourth boiler was launched in May 2009.

That permit was never actually activated until 2013, though when it was written it was meant to expire in 2010. That means the Springfield plant — like many others statewide

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— has essentially been operating for years without an updated permit setting emissions limits and other requirements.

Attorney Faith Bugel says this plant is symbolic of a larger problem, wherein many coal plants in Illinois are operating without Clean Air Act “Title V” permits because of the Illinois EPA’s slow pace in processing them and power companies’ challenges to proposed permits.

### A one-stop permit

Under the Clean Air Act’s [ [HYPERLINK "https://www.epa.gov/title-v-operating-permits"](https://www.epa.gov/title-v-operating-permits) ] set limits on various emissions that are intended to help states comply with limits on the concentration of criteria pollutants under [ [HYPERLINK "https://www.epa.gov/criteria-air-pollutants/naaqs-table"](https://www.epa.gov/criteria-air-pollutants/naaqs-table) ] State agencies are typically responsible for granting and enforcing Title V permits. And since enforcement of the Clean Air Act depends largely on lawsuits by citizens and advocates, the single permit for different emissions should make it easier for them to monitor compliance.

“Part of the disaster here is that these permits were supposed to be finalized 10 years ago, and that creates issues for enforceability,” Bugel said. “The whole point of the Title V program was to get all the parts of the permit in one place.”

At the Springfield plant, she continued, “They’re 10 years late, and now we have a whole new boiler that hasn’t had a permit for seven years. The Illinois EPA has blown by all the [ [HYPERLINK "https://archive.epa.gov/region5/illinoisworkplan/web/pdf/il-workplan-20140905.pdf"](https://archive.epa.gov/region5/illinoisworkplan/web/pdf/il-workplan-20140905.pdf) ] set.”

Amber Sabin, spokesperson for Springfield [ [HYPERLINK "http://www.cwlp.com/"](http://www.cwlp.com/) ], which runs the plant, said that the newest boiler still complies with the draft permit and other environmental regulations even though it wasn’t written into the permit. And, she said, “CWLP employs some of the cleanest operating coal plants in the country,” including that boiler.

Now state regulators have made revisions to the [ [HYPERLINK "http://www.epa.illinois.gov/Assets/iepa/public-notices/2016/cwlp-dallman/statement-of-basis.pdf"](http://www.epa.illinois.gov/Assets/iepa/public-notices/2016/cwlp-dallman/statement-of-basis.pdf) ], including covering the fourth boiler. A [ [HYPERLINK "http://www.epa.illinois.gov/Assets/iepa/public-notices/2016/cwlp-dallman/public-notice.pdf"](http://www.epa.illinois.gov/Assets/iepa/public-notices/2016/cwlp-dallman/public-notice.pdf) ] on that proposed permit runs through September; it was extended after a previous July 15 deadline.

Scott Gauvin lives about three miles from the plant and serves as chair of the [ [HYPERLINK "http://www.svgsierraclub.org/"](http://www.svgsierraclub.org/) ]. As he sees it, a strong permit for the Dallman plant is particularly important since it is publicly owned.

“This is a public utility, so we’re trying to get a public process that is a little more transparent, information that is a little more available, not just on environmental issues but financial issues about where the plant stands right now,” said Gauvin.

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### Questions about the future

The newest 200-megawatt boiler has [ [HYPERLINK "http://illinoistimes.com/article-13947-a-life-or-death-decision-for-dallman-power-plants.html"](http://illinoistimes.com/article-13947-a-life-or-death-decision-for-dallman-power-plants.html) ] of the plant's operation, often single-handedly producing enough power for customers. The three decades-old boilers, which are used primarily during times of peak demand and to generate extra energy to sell to the grid, may need upgraded pollution control equipment to comply with environmental regulations that kick in by 2018. The measures the plant must take to comply will be in part determined by the new permit.

Numerous coal plants in Illinois and nationwide have closed rather than make expensive upgrades. The Dallman plant's four boilers burn coal to make steam that power turbines to generate electricity.

Sabin said the three older boilers have been converted to burn natural gas during their startup phase, which makes them cleaner. "Ultimately, the deciding factor on continued operation of the older coal-fired units is dependent upon energy prices and final environmental regulations," she said.

Last year the [ [HYPERLINK "http://www.sj-r.com/article/20150225/Opinion/150229602"](http://www.sj-r.com/article/20150225/Opinion/150229602) ] that rate restructuring and other measures, including a reduction of 150 employees, were helping improve its financial position after serious blows from the recession and dropping power prices.

"We are a citizen-owned utility," said Gauvin. "There's not been the forethought in the planning to understand these regulations coming down the line, and how we should start preparing for them. Whether it's the air side, the water side, the after-products side — i.e., coal ash — that cost will be passed on to citizen-owners."

### Glacial progress

An application for the Springfield plant's Title V permit was first filed in 1995. After a decade-long process, in 2005 the Illinois EPA issued a permit. But the Springfield utility appealed the permit to the Illinois Pollution Control Board, and the board ruled that the entire permit be stayed while the contested parts were reviewed.

This is a process Bugel sees as a problem statewide. She said that when a company objects to parts of the permit, just those parts should be stayed while under review, and the other pieces of the permit should go into effect. The U.S. EPA has also recommended this approach, and expressed concerns with Illinois' process.

The IEPA did not respond to a request for comment.

In May 2013, the IEPA and the Springfield utility jointly asked that the uncontested parts of the 2005 permit be put into place, while the contested parts remained stalled. That did occur, and now the proposed revised permit is finally being considered — more than 20 years after the permit application was first filed.

"IEPA has put in place until 2018 a Clean Air Act Permit Program permit that omits many legally applicable requirements, based on an application submitted *eighteen*

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years ago and an initial permit that should have expired five years after it was first issued, in 2010,” says a public comment filed by the Environmental Law & Policy Center, Sierra Club and Natural Resources Defense Council.

### A challenge on SSM

Meanwhile, those groups allege other insufficiencies including that the plant’s particulate matter emissions violate the [ [HYPERLINK "http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_008734.pdf"](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_008734.pdf) ] meant to keep Illinois in compliance with national ambient standards, and that the plant lacks an adequate action plan for when limits are violated.

Bugel said environmental leaders are also concerned that Title V permits often allow coal plants to avoid reporting emissions that are considered to happen during start-up, shutdown and maintenance or malfunction (“SSM”) of equipment. This has been an [ [HYPERLINK "http://midwestenergynews.com/2016/08/29/ruling-on-violations-is-latest-blow-for-troubled-illinois-coal-plant/"](http://midwestenergynews.com/2016/08/29/ruling-on-violations-is-latest-blow-for-troubled-illinois-coal-plant/) ] E.D. Edwards coal plant owned by Dynegy in central Illinois, where a judge recently ruled in favor of environmental groups alleging emissions violations.

Bugel said the Springfield power plant could set a positive example for the industry on this front, by agreeing to forego in its new permit what she described as the “loophole” regarding [ [HYPERLINK "http://www.trinityconsultants.com/news/environmental-quarterly/epa-s-evolving-ssm-policy---the-future-of-ssm-and-affirmative-defense"](http://www.trinityconsultants.com/news/environmental-quarterly/epa-s-evolving-ssm-policy---the-future-of-ssm-and-affirmative-defense) ] .

Sabin said the utility does not plan any challenges or changes to the currently proposed Title V permit, and she said the utility welcomes public input during the comment period.

“As a not-for-profit vertically-integrated municipal utility, CWLP is more responsive to the citizens and businesses of the City of Springfield” than investor-owned utilities would be, she said.

“The Springfield City Council is responsible for setting our rates and policies and the public can approach our Mayor and City Aldermen to regularly voice concerns with the utility at any of our public meetings. CWLP managers, directors and plant personnel live and work in the community and are engaged with utility customers regularly to know and respond to their concerns, as well.”

### A ‘degenerating process’?

Bugel said advocates are hopeful the Springfield plant’s permit will be finalized in coming months, and that the IEPA moves forward on other pending permits. She said the agency appears to be more active than it was last summer when Bugel (representing the Sierra Club) and an ELPC attorney sent a letter to the U.S. EPA complaining about Illinois’ Title V permit backlog and “degenerating process.”

“IEPA and USEPA agreed to a specific timeline to address this issue, but IEPA has not adhered to that timeline,” the letter said. “For example, although IEPA agreed to issue

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eight permits for coal-fired power plants by July 1, 2015, when that date came it had issued only three in final form.”

They also charged that as permit processes drag on, the proposed permits get progressively weaker.

“The problem is becoming ever larger as each passing year brings with it additional important air pollution obligations, and further dates the already-weak controls” in the proposed permits, the letter said. “This is particularly troubling because, in fact, the permits should be getting stronger.”

[ [HYPERLINK "http://kticradio.com/agricultural/nppc-farm-bureau-win-foia-case-against-epa/"](http://kticradio.com/agricultural/nppc-farm-bureau-win-foia-case-against-epa/) ]

### NPPC, FARM BUREAU WIN FOIA CASE AGAINST EPA

BY NPPC | September 12, 2016

[ [HYPERLINK "http://kticradio.com/"](http://kticradio.com/) ] > [ [HYPERLINK "http://kticradio.com/news/"](http://kticradio.com/news/) ] > [ [HYPERLINK "http://kticradio.com/news/?news=ag-policy"](http://kticradio.com/news/?news=ag-policy) ]

A federal appeals court Friday overruled a lower court decision to throw out a lawsuit brought by the National Pork Producers Council and the American Farm Bureau Federation against the U.S. Environmental Protection Agency over its release to environmental groups of personal information on tens of thousands of farmers.

In late 2015, a U.S. district court dismissed the NPPC-Farm Bureau suit for lack of standing. But the U.S. Court of Appeals for the 8th Circuit in St. Louis ruled that “the associations have established a concrete and particularized injury in fact traceable to the EPA’s action and redressable by judicial relief.”

“EPA’s release of sensitive, private and personal materials on more than 100,000 farmers and ranchers was an outrageous abuse of its power and trust,” said NPPC President John Weber, a pork producer from Dysart, Iowa. “We are very pleased with the Court of Appeals’ decision to reinstate our lawsuit to prevent the EPA from doing this again.”

The case stems from the February 2013 release by EPA’s Office of Water to several activist groups, which filed a Freedom of Information Act (FOIA) request, of extensive private and personal information the agency had collected on farmers in 29 states. (EPA gathered the information despite being forced in 2012 to drop a proposed data reporting rule for large farms because of concerns about the privacy and biosecurity of family farms.)



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After objections from NPPC, the Farm Bureau and other agricultural groups, EPA requested that the activist organizations return the data, but the agency subsequently was prepared to release additional farm information it collected from seven other states. NPPC and the Farm Bureau also objected to the additional release, and in July 2014 filed suit against EPA in the U.S. District Court for the District of Minnesota, seeking injunctive relief.

The district court dismissed the suit, claiming that neither NPPC nor the Farm Bureau had standing to sue since some of the farm data could be obtained from other sources. The two agricultural organizations appealed the ruling and sought a protective order to prevent release of any farm information while the appeal was pending. The district court did grant the order.

In its unanimous ruling, the 8th Circuit determined that EPA “abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure under Exemption 6 [personal privacy interests] of FOIA.”

“NPPC will vigorously defend the rights and privacy of its producers against outrageous and unethical government actions,” Weber said.

[ HYPERLINK "<http://www.dailyherald.com/article/20160912/business/309129892/>" ]

### **Michigan Tech to be home to regional EPA finance center**

HOUGHTON, Mich. -- Michigan Technological University will be home to a new U.S. Environmental Protection Agency regional environmental finance center.

The Houghton school announced Monday that the Region 5 center is accompanied by a 6-year grant of up to \$5.6 million. The region covers Michigan, Minnesota, Wisconsin, Illinois, Indiana and Ohio. EPA officials plan to visit Michigan Tech Tuesday and Wednesday.

The university is home to the School of Business and Economics and the Great Lakes Research Center. Tim Colling, principal investigator on the EPA center, says in a statement that a multidisciplinary approach that's the norm at the school "made our application stand out."

The regional center is one of 10 nationwide designed to help counties, cities, villages and state agencies find better ways to manage and maintain infrastructure.

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